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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,475	05/29/2001	Byoung-Ju Choi	Q64087	4385

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

LEE, MICHAEL

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/866,475	Applicant(s) CHOI ET AL.	
	Examiner M. Lee	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 5, 11, 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 6-10, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Isnardi et al. (6,400,400).

Regarding claim 1, Isnardi discloses storage devices for storing encoded video bitstreams (col. 2, lines 66-67, col. 3, lines 1-8), which meet the first data base as claimed, and a test bitstream generator 112, which meets the test data generator as claimed. The storage devices are intended to provide both encoded video bitstreams, such as from the hard disk drive, or raw video signals, such as from the camera or the camcorder. The test bitstream generator provides the bit stream based on the video bitstreams, either encoded or raw from the storage devices, and the user selected peak error threshold (col. 3, line 66, to col. 4, lines 6). The user selected peak error threshold meets the input items of a user as claimed.

Regarding claim 2, in col. 3, lines 6-8, Isnardi indicates that the video bitstreams generated by the test bitstream generator are also stored in the storage devices.

Regarding claim 6, see col. 3, lines 9-16.

Regarding claim 7, see col. 3, line 58, to col. 4, lines 5. The selection of a particular peak error threshold in Isnardi meets the coincidence of test input items as claimed.

Regarding claim 8, Isnardi inherently includes storage for storing the error signals (col. 9, lines 14-20).

Regarding claim 9, see col. 9, lines 16-20.

Regarding claim 10, see rejections as set forth above.

Regarding claim 12, see rejection to claim 1.

Regarding claim 13, see col. 4, lines 36-37. The specially constructed encoded input test bitstream meets the scenario generating step and the outputting step as claimed.

Regarding claims 14-15, see corresponding rejections as set forth above.

Allowable Subject Matter

2. Claims 3-5, 11, and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed 10/3/08 have been fully considered but they are not persuasive. Applicant argues that Isnardi does not disclose or suggest the test bitstream generator for generating a plurality of encoded video bitstreams using the information on the raw data and the MPEG transport standard as recited in claim 1. The examiner disagrees. As stated in the rejection, Isnardi clearly discloses that the test bitstream generator 110 stores both raw data and MPEG transport standard as described in col. 2, line 63, to col. 3, line 8. The output devices listed in col. 3, lines 1-4 provide both raw data and MPEG video data. The generator generates the test data based on the selected data. Thus, Isnardi clearly meets the test bitstream generator as claimed.

In considering applicant's argument that the test generator 110 in Isnardi does not constitute the analyzer 140 as in his invention, the examiner disagrees. First of all, the claim does not state that the test bitstream generator and the analyzer are an inseparable entity. Second of all, even if they are, that does not carry any patentable weight because the location of the devices would not affect the performance of the respective device. Finally, Isnardi does not exclude the two devices from being placed in a same location. As a result, the examiner concludes the Isnardi still meets the claimed invention and the rejection stands.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/M. Lee/
Primary Examiner
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